

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY PLAINTIFF

v. Civil Action No. 1:10cv298HSO-JMR

SEA BREEZE CONDOMINIUMS, ET AL. **DEFENDANTS**

**ORDER GRANTING DEFENDANT’S REQUEST FOR
FEDERAL RULE OF CIVIL PROCEDURE 56(d) RELIEF
AND DENYING PLAINTIFF’S MOTION FOR PARTIAL
SUMMARY JUDGMENT WITHOUT PREJUDICE**

Before the Court is the Motion for Partial Summary Judgment [97-1], filed by Plaintiff Nationwide Mutual Fire Insurance Company [“Nationwide”], pursuant to FED. R. CIV. P. 56, on May 5, 2011, as to the bad faith Cross-Claim asserted by Defendant Artisan Textures, Inc. [“Artisan”]. In lieu of a Response, Artisan filed a Rule 56(d) Motion on May 12, 2011 [100-1].

After consideration of the submissions of the parties, the record in this case, the relevant law, and for the same reasons stated in this Court’s Order and Opinion entered on April 22, 2011 [93-1], the Court finds that Artisan’s Rule 56(d) request should be granted, and that Plaintiff’s Motion for Partial Summary Judgment [97-1] should be denied without prejudice at this time, with leave to reassert at the close of discovery.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the request of Defendant Artisan Textures, Inc., for FED. R. CIV. P. 56(d) relief should be and

hereby is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Motion for Partial Summary Judgment [97-1], filed by Plaintiff Nationwide pursuant to FED. R. CIV. P. 56, should be and hereby is **DENIED WITHOUT PREJUDICE**, with leave to reassert upon the conclusion of discovery in this case.

SO ORDERED AND ADJUDGED, this the 20th day of May, 2011.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE